

REMARKS

The Examiner has provisionally rejected Claims 1-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-60 of co-pending Application No. 10/065/149. The Examiner has asserted that claims 1-3 of the application correspond directly to claims 1 and 4-6 of the co-pending application. Claims 6-7 and 9-10 of the application correspond to claims 2 and 9 of the copending application. Claims 11-17 of the application correspond to claims 51-52 of the copending application. Claims 18-23 of the application correspond to claim 58 of the copending application. Applicant hereby respectfully submits a timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(c) that may be used to overcome a provisional rejection based on a nonstatutory double patenting ground showing that the conflicting application is commonly owned with this application.

Although the examiner has initially rejected claims 1-23, no substantive rejection has been made with respect to claims 1-23. Consequently, Applicant submits that upon filing a terminal disclaimer to overcome the provisional rejection based on a nonstatutory double patenting ground, all claims should be in a condition for allowance.

CONCLUSION

Claims 1-23 are pending in the present application. Claim 1-23 have been initially rejected under the nonstatutory double patenting ground. Applicant timely submits the terminal disclaimer. In light of the fact that the Examiner has not made any substantive rejections, Applicant believes all considered claims are now in condition for allowance. Reconsideration of these claims is respectfully requested. Please direct all further correspondence to the undersigned.

Respectfully submitted,

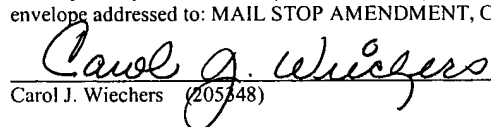
Dated: July 21, 2004

By: 

Robert W. Diehl, Reg. No. 35,118
Customer No. 26851
Wallenstein Wagner & Rockey, Ltd.
311 So. Wacker Drive – 53rd Floor
Chicago, IL 60606
(312) 554-3300

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on July 21, 2004.


Carol J. Wiechers (205348)